

UNITED STATES DISTRICT COURT

FOR THE

District of

MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC.

Plaintiff,

SUMMONS IN A CIVIL CASE

V.

VIACELL, INC., OBSTETRICAL AND GYNECOLOGICAL
ASSOCIATES, P.A., FEMPARTNERS, INC., and
CARITAS ST. ELIZABETH'S MEDICAL CENTER
OF BOSTON, INC.

CASE NUMBER: 04-CV-11673 RWZ

Defendants.

TO: (Name and address of Defendant)

Fempartners, Inc.
c/o William C. Altman, Registered Agent
1300 Post Oak Blvd., #600
Houston, TX 77056

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

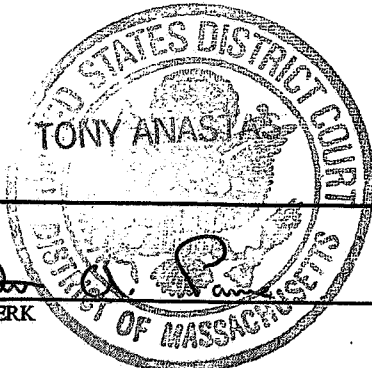
Daniel J. Kelly, Esquire
Gadsby Hannah LLP
225 Franklin Street
Boston, MA 02110

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK



8/10/2004

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		
<div style="border: 2px solid black; padding: 10px; display: inline-block;"> AFFIDAVIT ATTACHED </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
District of Massachusetts**

Case Number: 04-CV-11673 RWZ

Plaintiff:

PHARMASTEM THERAPEUTICS, INC.

vs.

Defendant:

**VIACELL, INC., OBSTETRICAL AND GYNECOLOGICAL ASSOCIATES,
P.A., FEMPARTNERS, INC., and CARITAS ST. ELIZABETH'S MEDICAL
CENTER OF BOSTON, INC.**

For:

Edward W. Little, Jr.
GADSBY HANNAH, LLP
225 Franklin Street
Boston, MA 02110

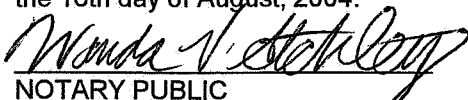
Received by AMERICAN CIVIL PROCESS SERVICES, INC. on the 13th day of August, 2004 at 10:30 am to be served on **FEMPARTNERS, INC. c/o William C. Altman, Registered Agent @ 1300 Post Oak Blvd., #600, Houston, TX 77056.**

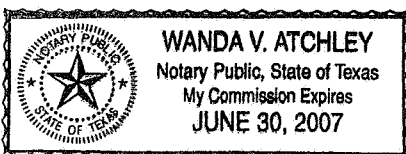
I, Joe Barak, being duly sworn, depose and say that on the **16th day of August, 2004 at 11:30 am, I:**

DELIVERED to the within named **CORPORATION** a true copy of the **SUMMONS IN A CIVIL CASE/AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL and CIVIL COVER SHEET** with the date of service endorsed thereon by me by personal delivery to **JACK T. THOMPSON** as President, of the within named corporation, **FEMPARTNERS, INC.** in compliance with state statutes at **1300 Post Oak Blvd., #600, Houston, Harris County, Texas 77056 .**

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit.

On this day personally appeared affiant, known to me personally to be the person whose name is subscribed to the foregoing return and, being by me duly sworn, declare under oath that the statements therein are true and correct. Subscribed and Sworn to before me on the 16th day of August, 2004.


NOTARY PUBLIC




Joe Barak
Process Server

**AMERICAN CIVIL PROCESS SERVICES, INC.
P.O. Box 96577
Houston, TX 77213-6577
(713) 453-6288**

Our Job Serial Number: 2004002579